



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/189,250 11/10/98 SILVESTER

K INTL-0154-US

EXAMINER

WM01/1015

TIMOTHY N TROP
TROP PRUNER HU & MILES
8554 KATY FREEWAY STE 100
HOUSTON TX 77024

HOOSAIN, A

ART UNIT

PAPER NUMBER

2645

DATE MAILED:

10/15/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No.

09/189,250

Applicant(s)

SILVESTER, KELAN C.

Examiner

Allan Hoosain

Art Unit

2645

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 September 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation of 5 below.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

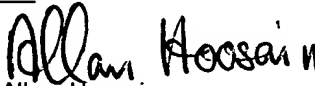
Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 26-38.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Allan Hoosain
Primary Examiner
Art Unit: 2645

Continuation of 5:

Response to Request for Reconsideration:

(a) Pepe's Col. 20, lines 42-53 does not teach converting a subject portion of a voice mail to text. This is because Pepe's Col. 27, lines 62-66 and Col. 28, lines 15-23 do not also teach a subject portion.

Examiner agrees that the passages at Cols. 27 and 28 do not teach a subject portion. However, these passages do not exclude a subject portion as taught in the passage at Col. 20. The body of an e-mail notification message is taught at Col. 20. In the body, the message that was received could be voice mail or any other type (Col. 20, lines 49-50). Part of this body is a subject. Therefore, as argued by Examiner before, this passage teaches converting a subject portion of a voice mail message to text and the argument that the phrase "if appropriate" refers only to converting an e-mail subject to voice format is not convincing.

Pepe suggests that the inclusion of the subject is based on parameters in a subscriber's profile (Col. 28, lines 15-18). Pepe teaches that text notification of received voice messages can be performed if such notification is in a subscriber's profile (Col. 28, lines 33-40). At Col. 28, lines 41-46, Pepe teaches screening voice messages for priority information. Priority information is part of the notification body in the teachings at Col. 20. Therefore, the passage at Col. 20, does teach that an e-mail notification of a received voice message contains priority information and subject information if appropriate.